

Neighboring Rights

Getting Fully Paid When Your Music's Played **By Paul Irwin**

IF YOU'RE A SONGWRITER WHO ALSO SANG, or played an instrument on the master recording of your song, chances are you might be owed royalties as a musician, in addition to your songwriting royalties. In fact, in a music world with ever broadening and changing distribution platforms, an artist may be able to earn from multiple sources they may not be aware of.

SoundExchange collects and pays royalties to featured artists for the performance and publishing of their sound recordings when content is played on a non-interactive digital source. Artists need to register with SoundExchange to collect these monies. Artists are entitled to these payments in addition to those from ASCAP or other performance rights entities.

Since 1998, The AFM & SAG-AFTRA Fund has been collecting and distributing royalties for non-featured background singers and musicians for their performance on songs aired on satellite radio, webcasting, subscription services and other digital formats. The Fund was established with the passage of the Digital Performance Royalty Act (DPRA) and the Digital Millennium Copyright Act (DMCA). And, now with the passage of the Music Modernization Act, pre-1972 recordings will be included in their mandate, which means many more artists are now receiving performance royalties.

Over the last few years the Fund has paid thousands of songwriters who have contributed a musical performance element on the songs they have written. Distributing royalties on an average to 40,000 single titles a year, this Fund has distributed more than 60 million dollars in royalties in 2019 so far.

"There are many misconceptions about who we are and what we do," said Colin Gilbert, the Fund's Associate Director of the Participant Services. "First off, despite our name, we pay all participants, both union and non-union. The burden of research falls entirely on our Fund for each title, so we are reliant on clear metadata, including liner notes, contracts and other documentation, so it's very important for the writer to make sure that if they performed on the song, they are listed on the credits. Although our primary mission is paying non-featured performers, many A-list artists have performed background work on other artists' hits, so they get paid as well."



The SAG-AFTRA and Industry Sound Recordings Distribution Fund (SRDF) was established for the purpose of receiving and distributing supplemental payments made to vocalists under the terms of the SAG-AFTRA Sound Recordings Code. Record labels signed to the SAG-AFTRA collective bargaining agreement make these payments. Vocalists who performed on recordings produced by these signatory companies receive payments for the exploitation of their recordings in permanent audio/video downloads, interactive audio/video streams, and low fee synch licensing.

Then there's the Film Musicians Secondary Markets Fund, which acts as a unique resource to "research, collect and distribute musicians' residual payments" for their music played in motion pictures, television shows and digital media. This Fund was created in 1972 to act as the agent of producers to distribute payments to film musicians and pay taxes and withholdings.

Getting fully paid when your music is played across the modern spectrum of music distribution is also changing and overall will take some investigation and doing. However, there's a community of people working to support creators' rights. You just need to be aware of their efforts and reach out to be a part of the process. 🎵